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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Implementation of
Commission's Equal
Employment Opportunity Rules

Notice of Inquiry

MM Dkt No. 94-34

Comments of Bell Atlantic¹

Although the bulk of the issues raised by the notice of inquiry relate only to broadcasters and traditional cable operators, two also are relevant to Bell Atlantic.

First, Bell Atlantic's video programming affiliate, Bell Atlantic Video Services ("BVS"), will provide video programming directly to subscribers and will qualify as a multichannel video programming distributor.² As such, it will be

¹ "Bell Atlantic" includes the seven Bell Atlantic operating telephone companies serving Delaware, the District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia and West Virginia, as well as their video programming affiliate, Bell Atlantic Video Services, Inc.

² A multichannel video programming distributor is defined to include an entity that provides video programming directly to subscribers. 47 U.S.C. § 522(12) ("a person ... who makes available for purchase, by subscribers or customers, multiple channels of video programming"). Bell Atlantic has won the right to provide video programming in its telephone service area and will do so through its Bell Atlantic Video Services affiliate. See The Chesapeake and Potomac Tel. Co. v. United States, 830 F. Supp. 909 (E.D. Va. 1993), appeal pending, Nos. 93-2340, 93-2341, (4th Cir. filed Oct. 15, 1993).

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subject to the same EEO rules that currently apply to cable operators.³ But multichannel programmers such as BVS will often differ in important respects from cable operators and the Commission must be flexible in applying its rules to take these differences into account.

To cite just one example, many non-cable multichannel programmers will provide their services over the facilities of others, including facilities of common carriers. These multichannel programmers are likely to have different organizational structures and job specialties than cable operators, which own their local distribution facilities and use a decentralized organization to manage their cable systems locally. As a result, the requirement that cable operators report EEO data for specified job categories by individual systems or groups of interrelated systems⁴ will have little meaning when applied to many other multichannel programmers -- both because these other programmers have different types of jobs and a single centralized staff organization.

Second, while the cable and broadcast rules currently do not apply to common carriers, the notice of inquiry asks whether these rules should be extended to common carrier

³ Implementation of Commission's Equal Employment Opportunity Rules, MM Dkt 94-34, Notice of Inquiry at ¶ 11 (rel. Apr. 21, 1994) ("Notice") ("[t]he 1992 Cable Act also expanded the scope of the cable EEO provisions to include multichannel video programming distributors").

⁴ See Notice at ¶ 17, n.25

technologies -- at least to the extent they compete with cable and broadcast services.⁵ Bell Atlantic is firmly committed to equal employment opportunity, and appropriate affirmative action measures (such as recruiting programs to ensure a diverse pool of qualified candidates) are firmly in place. In fact, Bell Atlantic has such a good record that it is among a select group of large companies that qualify for streamlined review by another responsible federal agency, the Office of Federal Contract Compliance Programs.⁶

Based on Bell Atlantic's experience, therefore, existing rules and voluntary company actions have already addressed any concerns. Nonetheless, because of its commitment to EEO objectives and to establishing parity of regulatory treatment between competitors, Bell Atlantic would not oppose extending the cable and broadcast EEO rules to common carriers if the Commission determines there is some public interest reason for doing so.

It is critical, however, that any action the Commission might ultimately take here not simply establish a set of redundant requirements on top of the rules that already apply to

⁵ Notice at ¶ 39.

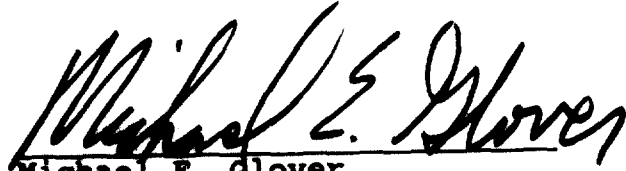
⁶ This streamlined regulation is a system of voluntary reporting called the National Reporting System, and is designed to provide the OFCCP with accurate information regarding employment and advancement of minorities and women and to permit periodic agency reviews, while avoiding unnecessary reports and compliance reviews.

common carriers. These existing rules include both the Commission's own rules for common carriers, as well as those of other responsible federal agencies such as the Equal Employment Opportunity Commission and the Office of Federal Contracts Compliance Programs. As a result, any action by the Commission must not only eliminate redundancies and harmonize differences in its own sets of rules,⁷ but also coordinate its efforts with those of other responsible federal agencies to ensure a consistent approach.

Moreover, any rules ultimately adopted by the Commission must apply equally to all providers, including both interexchange carriers and competitive access providers in addition to local exchange carriers, cable operators and broadcasters.

⁷ As with non-cable multichannel programmers, the Commission's rules also would have to be applied flexibly in the case of common carriers to accommodate differences with the cable operators and broadcasters for which they were designed.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael E. Glover". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

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Of Counsel

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